

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH LEVELL MACK,

Defendant.

**INDICTMENT**

18 U.S.C. § 922(g)(1)

18 U.S.C. § 924(d)(1)

18 U.S.C. § 924(e)

21 U.S.C. § 841(a)(1)

21 U.S.C. § 841(b)(1)(C)

28 U.S.C. § 2461(c)

CR 17-161 DWF/TNL

THE UNITED STATES GRAND JURY CHARGES THAT:

**COUNT 1**

(Armed Career Criminal in Possession of a Firearm)

On or about May 2, 2017, in the State and District of Minnesota, the defendant,

**KENNETH LEVELL MACK,**

having been previously convicted of crimes punishable by imprisonment for a term exceeding one year, namely:

Offense	Place of Conviction	Date of Conviction (On or About)
Manufacture / Delivery of a Controlled Substance	Cook County, IL	September 28, 1999
Attempted Murder	Cook County, IL	January 29, 2002
Aggravated Battery	Cook County, IL	January 29, 2002
Possession with Intent to Distribute Cocaine Base	United States District Court, District of Minnesota	May 31, 2006
Fleeing a Peace Officer in a Motor Vehicle	Hennepin County, MN	April 28, 2016

SCANNED

JUL 11 2017

U.S. DISTRICT COURT ST. PAUL

U.S. v. Kenneth Levell Mack

Offense	Place of Conviction	Date of Conviction (On or About)
Fleeing a Peace Officer in a Motor Vehicle	Hennepin County, MN	January 3, 2017

did knowingly possess in and affecting interstate commerce a firearm, namely, a Ruger model LC9 9mm caliber pistol with an obliterated serial number, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

**COUNT 2**

(Armed Career Criminal in Possession of Ammunition)

On or about May 2, 2017, in the State and District of Minnesota, the defendant,

**KENNETH LEVELL MACK,**

having been previously convicted of crimes punishable by imprisonment for a term exceeding one year, namely:

Offense	Place of Conviction	Date of Conviction (On or About)
Manufacture / Delivery of a Controlled Substance	Cook County, IL	September 28, 1999
Attempted Murder	Cook County, IL	January 29, 2002
Aggravated Battery	Cook County, IL	January 29, 2002
Possession with Intent to Distribute Cocaine Base	United States District Court, District of Minnesota	May 31, 2006
Fleeing a Peace Officer in a Motor Vehicle	Hennepin County, MN	April 28, 2016
Fleeing a Peace Officer in a Motor Vehicle	Hennepin County, MN	January 3, 2017

did knowingly possess in and affecting interstate commerce ammunition, namely, Magtech .40 caliber ammunition, in violation of Title 18, United States Code, Sections 922(g)(1)

U.S. v. Kenneth Levell Mack

and 924(e).

**COUNT 3**

(Possession with Intent to Distribute Heroin)

On or about May 2, 2017, in the State and District of Minnesota, the defendant,

**KENNETH LEVELL MACK,**

did unlawfully, knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**FORFEITURE ALLEGATIONS**

Counts 1 through 3 of this Indictment are hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d)(1), in conjunction with Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.

If convicted of any of Counts 1-3, the Defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), any firearm or ammunition involved in or used in any knowing violation of Sections 922(g) or 924(e)(1) or a willful violation of Title 21, United States Code, Section 853(a), including a Ruger model LC9 9mm caliber pistol with an obliterated serial number; and ammunition, namely Magtech .40 caliber ammunition.

If convicted of Count 3, the defendant shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation and any property

U.S. v. Kenneth Levell Mack

used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of each such violation.

If any of the above-described property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c) .

All in violation of Title 18, United States Code, Sections 922(g)(1), 924(e)(1), and 924(d)(1), in conjunction with Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.

A TRUE BILL

\_\_\_\_\_  
ACTING UNITED STATES ATTORNEY

\_\_\_\_\_  
FOREPERSON